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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ROMULO BAUTISTA-OCAMPO,
12 GUSTAVO MIRAMONTES-PONCE and
13 JESUS FLORES-MANZO,

14 Defendant.

15 Case No. CR05-5264FDB

16 ORDER DENYING AS PREMATURE
17 DEFENDANTS' MOTION FOR
18 INFORMATION RE:
19 CONFIDENTIAL INFORMANTS

20 Before the Court is the motion of Defendant Gustavo Miramontes-Ponce to disclose the
21 identity and other information about the Government's confidential source (CI). Defendants Romulo
22 Bautista-Ocampo and Jesus Flores-Manzo have joined in the motion. The Court, having reviewed
23 the motion, response, and balance of the record, finds, for the reasons set forth herein, that the
24 motion should be denied as premature.

25 I.

26 Defendant moves the Court to compel the Government to disclose various information
27 relating to the CI, including the CI's criminal record, proof of payment and other benefits including
28 tax returns, investigation and "pedigree" records, mental health and drug and alcohol records, pre-
29 sentence and probation reports, and any other information bearing on the CI's credibility or
30 reliability. Defendant claims he is entitled to this information because the CI arranged and
31 participated in several meetings with Defendants, reported on Defendants' activities throughout the
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33 ORDER - 1

1 investigation, claimed that Defendant Ponce made incriminating statements, and was present when
2 Defendant Ponce was arrested. The Government does not dispute that most of the information
3 requested by Defendants is *Brady/Giglio* material, which it is required to disclose and which it
4 intends to provide to Defendants at least one week prior to trial.

5 II.

6 Defendant has failed to provide the Court with any basis for concluding that an earlier
7 disclosure is essential to a fair trial and that his need for an earlier disclosure is not outweighed by the
8 Government's interest in protecting the CI and preventing the loss of the use of its CI. However,
9 the Government shall make complete discovery¹ at the earliest time practicable to insure that the
10 defense is given adequate time to prepare for trial.

11 ACCORDINGLY,

12 IT IS ORDERED:

13 (1) Defendant's motion for information re: confidential informants (Dkt. # 32) is

14 **DENIED.**

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16 DATED this 18th day of May, 2005.

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18 FRANKLIN D. BURGESS
19 UNITED STATES DISTRICT JUDGE
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23 ¹The Government disputes that Defendants are entitled to information such as the CI's social
24 security number, non-conviction data, and tax returns, unless this information falls within the
25 *Brady/Giglio* line of reasoning. As noted above, disclosure of all *Brady/Giglio* material should be
made as soon as possible and, if issues such as this remain after disclosure, the Court will take them
up prior to trial.